

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FIDEL HUTCHINS, 436852,

Plaintiff,

CIVIL ACTION NO. 12-12354

v.

DISTRICT JUDGE GERALD E. ROSEN

MAGISTRATE JUDGE MARK A. RANDON

BARBARA SAMPSON, et al.,

Defendants.

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**ORDER DENYING PLAINTIFF’S REQUEST FOR A TRANSFER**

On June 28, 2012, Plaintiff filed a letter asking the Court to transfer his case to Bay City, which is in the Eastern District of Michigan - Northern Division. (Dkt. #7).

“For the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district **or division** where it might have been brought.” 28 U.S.C. §1404(a) (emphasis added). The decision whether to transfer a civil action is in the sound discretion of the trial court. *Duha v. Agrim Inc.*, 448 F.3d 867, 886 (6th Cir. 2006). The moving party bears the burden of proving that the court should transfer the action. *Steelcase v. Smart Technologies, Inc.*, 336 F.Supp.2d 714, 719 (W.D. Mich. 2004). Plaintiff’s request simply says Bay City is “preferred” for Plaintiff, and Plaintiff believes his case is “stalled” in this Court.

Defendants Gregg Pruitt, Ms. Utich, and Kirk McVittie all reside in Detroit, Michigan. Accordingly, Plaintiff’s case was properly filed in the Eastern District of Michigan - Southern Division. *See* 28 U.S.C. §1391(b)(1): “A civil action may be brought in [] a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is

located[.]” And, this Court finds Plaintiff did not meet his burden to prove a transfer to a different district is warranted; Plaintiff successfully mailed all his material to the Southern District, this Court will rule on all of Plaintiff’s motions/requests in a timely manner, and provide Plaintiff copies of all its decisions. Plaintiff’s request is **DENIED**.

**IT IS ORDERED.**

s/Mark A. Randon  
MARK A. RANDON  
UNITED STATES MAGISTRATE JUDGE

Dated: September 25, 2012

*Certificate of Service*

*I hereby certify that a copy of the foregoing document was served on the parties of record on this date, September 25, 2012, electronically.*

s/Melody R. Miles  
Case Manager to Magistrate Judge Mark A. Randon